



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC

Issued by the Department of Transportation on July 25, 2003

**NOTICE OF ACTION TAKEN -- DOCKET OST-2003-15686**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of United Parcel Service Co. filed 7/8/03 for:

**XX** Waiver from the 90-day dormancy condition:

By Order 2000-6-7, the Department awarded United Parcel Service Co. (UPS) certificate authority and an allocation of four weekly frequencies to operate services in the U.S.-Brazil market. These frequencies were subject to a dormancy condition that any frequencies not used for a period of 90 days would revert automatically to the Department for reallocation. UPS requests a waiver from the 90-day dormancy condition for ½ of one of its four frequencies through July 8, 2004. UPS states that it discontinued service with one weekly narrow-body aircraft due to the recession in Brazil and the global economic downturn. UPS' ½ frequency would expire August 30, 2003, absent the waiver.

Applicant rep: David L. Vaughan 202-955-9864 DOT analyst: Sylvia Moore 202-366-6519

**DISPOSITION**

**XX** **Granted** (see Remarks below)

The above action was effective when taken: July 25, 2003, through July 8, 2004<sup>1</sup>

**Action taken by: Paul L. Gretch, Director**  
**Office of International Aviation**

**Remarks:** We find that grant of UPS' request, in the particular circumstances presented, is in the public interest. However, we are putting UPS on notice that there should be no expectation that an additional request will similarly be granted. As is our policy in considering dormancy waiver requests, we reserve the right to reexamine whether grant of this waiver continues to be in the public interest. Any future request to extend the dormancy waiver for the frequency at issue here will have to be considered in light of the specific arguments offered and responses thereto, and in the context of the circumstances present at that time, including whether another carrier seeks to use the frequency at issue.

(See Reverse Side)

<sup>1</sup> UPS' waiver from the dormancy condition is effective through July 8, 2004, or until the date on which UPS resumes service with the ½ frequency, whichever occurs earlier. If UPS does not begin service by July 8, 2004, its allocation with respect to that ½ frequency will expire automatically.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy, and (2) grant of the waiver was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*